

**Town of Stephens City Planning Commission
Minutes
Tuesday, August 26, 2008 (7:30p.m.)**

The Town of Stephens City Planning Commission held the regularly scheduled meeting this month, on Tuesday, August 26, 2008 at 7:30 p.m.

Attendees:

Chairman, Linden “Butch” Fravel, Jr
Commissioner Martha Dilg
Commissioner Joe Grayson
Commissioner Bob Wells
Commissioner Bill Copp
Commissioner Susan Boyd
Commissioner Jesse Fox

Absent:

Staff Present:

Town Planner, Brian Henshaw

Also Present:

Jason Kane, Winchester Star
Patrick Sowers, PHR&A
Ron Mislowsky, PHR&A
Clay Athey, Attorney for Russell-Stephens City

Call to Order:

With a quorum present, Chairman Fravel called the meeting to order at 7:30 p.m.

Chairman Fravel also welcomed the Town’s two newest Planning Commissioners, Mrs. Susan Boyd and Mr. Jesse Fox.

There was no meeting in July; therefore the minutes to adopt were from the June 24, 2008 meeting.

Mr. Bob Wells moved to approve the June 24, 2008 minutes. Mr. Bill Copp seconded the motion. The minutes were approved.

Mr. Bob Wells moved to adopt the agenda. Ms. Martha Dilg seconded the motion. The agenda was approved.

Public Hearing:

The Planning Commission held a Public Hearing on the Russell-Stephens Rezoning Application.

Mr. Henshaw briefly introduced the Mr. Patrick Sowers of PHR&A to present the changes to the conceptual plan and the proffer statement.

Mr. Sowers presented some brief background information on where the application has been and to where it is as of the Planning Commission Meeting.

Mr. Sowers explained the location of the property and the specifications of the property. Currently the property is zoned R-1/R-2 and the rezoning being proposed is R-3 with the Newtown Development District Overlay.

The breakdown of use includes 37.4 acres of Open Space, 21.1 acres of Commercial / Retail, 25.7 acres of Industrial and 29.1 acres of Residential uses.

Mr. Sowers presented to the Commission and the Public that the plan has been a work in progress for the past 6 to 8 months. Mr. Sowers provided the Commissioners with a revised Proffer Statement, demonstrating the changes that have been made since the last draft that the Commission had seen and a revised conceptual plan.

Mr. Sowers pointed out that the most distinct changes to the Proffer Statement included the removal of the 121 by-right homes from the Proffer Statement. Buena Vista Drive has been changed to reflect a 4-lane cross-section to act as the loop to the Stephens City bypass and finally the acres of open space along the bypass has been enlarged to make it more appropriate for the placement of a school.

Mr. Clay Athey presented the remainder of the proffers and detailed summary of the cash proffers and amounts associated with the rezoning application. Mr. Athey presented to the Planning Commission stating that the applicant has ran the Frederick County model as well as the Stephens City Impact model.

Mr. Athey also explained the triggers and the processes that the applicant took to arrive at the revised proffers as presented.

Mr. Athey did express the concerns with the Joint Land Use Plan and that the client felt that they are fitting within the parameters of the Joint Annexation Agreement with the County and the Town.

Chairman Fravel opened up the Public Hearing at approximately 7:56pm.

No individuals spoke for or against the rezoning application.

Chairman Fravel closed the Pubic Hearing at approximately 7:57pm.

Chairman Fravel turned to Mr. Henshaw for a recommendation. Mr. Henshaw suggested that the Planning Commission not take any action at this time, to provide more time to adequately review the revised Proffer Statement. Taking extra time would also allow the Town to potentially work out the issues with the Joint Land Use Committee with regard to the Joint Land Use Plan.

Mr. Henshaw briefly described the actual issues that the application has with regard to the adopted Joint Land Use Plan that the Town signed and agreed to.

Chairman Fravel believes that the revised Proffer Statement and conceptual plan will satisfy the concerns the Joint Land Use Committee had at the first and last Joint Land Use Committee meeting. Chairman Fravel

admitted that the entire definition of what is “mixed use” has been a debate since the adoption of the Joint Land Use Plan. Chairman Fravel also stated to the public that the possibility of the school satisfies an open space requirement that is part of the Newtown Development District Overlay.

Commissioner Wells had some concerns that the applicant has moved forward in the appropriate directions through working with the Planning Commission and wanted to make it certain that if we are holding up a decision on the application, it was for the right reasons. Chairman Fravel stated that it would be appropriate that the application to be taken back up at the next regularly scheduled Planning Commission meeting.

Action Items:

Recommendation to the Town Council for Joint Land Use:

Mr. Henshaw described what was being requested of the Planning Commission, which was to recommend to the Town Council to allow Mr. Henshaw (Town Planner) to invite Frederick County Board of Supervisors or Administration to allow their Planning Department Staff to work with Mr. Henshaw to readdress, re-identify and redefine the Joint Land Use Plan to more accurately reflect what both jurisdictions anticipated occurring within Joint Annexation Areas.

Mr. Henshaw provided the Planning Commissioners with a brief background on where the conflict occurs within the Joint Land Use Plan and the Town’s Comprehensive Plan. It was presented to the Planning Commissioners that the essentially Town had signed a legal agreement stating that they would follow this plan. Frederick County Officials are simply stating that the Russell-Stephens City application does not go along with what the Joint Land Use Plan called for. Mr. Henshaw concluded by saying that this exercise goes beyond the scope of the Russell-Stephens City application and truly is an effort to correct these problems throughout the entire Joint Annexation areas.

Chairman Fravel inquired if Mr. Henshaw had gotten the impression that Mr. Lawrence would be willing to look at the Northern Section first to address the Russell-Stephens City application. Mr. Henshaw stated that it was his impression that we would look at the whole and start with the north.

Mr. Athey asked Chairman Fravel if he could address the Commission. Chairman Fravel agreed to let Mr. Athey speak.

Mr. Athey made an observation that the decision is truly in the hands of the Town and that their application was designed to follow the intent of the Town’s Comprehensive Plan. Furthermore he felt that the County had accepted and looked at the Town’s Comprehensive Plan prior to the adoption and questioned why there would be a question about their application. Mr. Athey did acknowledge that this is not an effort to be uncooperative and that they would be happy to meet with the Joint Land Use Committee.

Mr. Wells inquired to Mr. Henshaw about how we arrived at this situation with the County. Mr. Henshaw answered that a good bit of these issues come down to semantics and that the County and Town were not speaking the same language when the Joint Land Use Plan was drafted. Mr. Henshaw stated that the concerns do seem to be linked to the number of residential units, but the issue is still remains an issue of confusion between the interpretation of the Joint Land Use Plan and Annexation Agreement. Mr. Henshaw

recommended that this effort needs to be made to create a better definition of the uses and what is expected. Mr. Henshaw also stated that the Town signed a legal document that we are bound by to conform to.

Chairman Fravel stated that he felt the goal was always to create sustainable development, which included residential, commercial, and industrial.

Mr. Henshaw stated that it is his opinion that there are contradictions within the Annexation Agreement, but also stated that while the legal language of the Annexation Agreement states one thing, the entire agreement includes the Joint Land Use Plan as Exhibit "C".

Commissioner Wells was concerned about what would the outcome be if the Town elected to approve the Russell- Stephens City Rezoning Application, in other words would the County fight the Town on the decision. Mr. Henshaw stated that this was the impression that he had received from the county initially, but no longer felt like this was a reality.

Chairman Fravel expressed that it was his opinion that the Joint Land Use Committee did not have any concerns about the layout or the conceptual plan, but was concerned about Buena Vista Drive. Commissioner Marty Dilg expressed that she got the impression that the Joint Land Use Committee was content with the plan, if the Town was content with the plan from a Comprehensive Plan standpoint.

Commissioner Fox asked about the definition of mixed use and who raised the concern between the definitions at the Joint Land Use Committee. Chairman Fravel stated that Frederick County staff raised this issue and stated that it is not clear where this directive was coming from the Board of Supervisors or from an Administrative level.

Chairman Fravel brought to the attention of the Commission that Mr. Henshaw had drafted a motion to recommend action to the Town Council.

Commissioner Dilg moved that we recommend to the Town Council to task Mr. Henshaw, our Town Planner to invite Frederick County officials to allow their Planning Department staff to work together with our staff with the appointed Joint Land Use committee to review, readdress, revise and more accurately describe and define the intended land uses within the Joint Annexation Area.

Commissioner Fox seconded the motion. The motion was approved.

Discussion:

Update on By-Laws:

Mr. Henshaw briefed the Commission on the draft of the revised by-laws. Mr. Henshaw met with both Commissioners Dilg and Grayson and they had provided me with various suggestions. I have been working on these suggestions and plan on bringing a draft to next months Planning Commission meeting.

Briefing on first Joint Land Use Committee Meeting:

Commissioner Dilg briefly discussed the first Joint Land Use Committee Meeting, stating that the majority of discussion of the meeting has already been discussed. Mrs. Dilg did brief the Commission on the Bluestone Industrial/ Business Park. Mr. Evan Wyatt of Greenway Engineering has been working on a sketch plan of the development and the proposed connections and improvements to Route 11 South. The first part to be concentrated upon for development will be the section nearest to Route 11 South and the Southern States area.

Mr. Henshaw stated he believed that the Mr. Wyatt would be presenting the sketch plan at the September meeting of the Planning Commission.

CPEAV Land Use Conference and Certified Classes:

Mr. Henshaw notified the Commissioners about the Land Use Conference and also inquired about the Planning Commissioners interested in taking the Certified Planning Commissioner Classes in November on the 21st and 22nd. The classes are being offered in Leesburg, Virginia. Mr. Henshaw asked the Commissioners who have not taken the class to please check their schedules and get back to Mr. Henshaw.

Correspondence:

Mr. Henshaw pointed out that within the Planning Commission packet; each had received a Freedom of Information Act (FOIA) from our Town Attorney, David Griffin.

Adjourn:

Commissioner Bob Wells moved to adjourn and Commissioner Martha Dilg seconded the motion. The motion was approved.

Chairman Fravel adjourned the meeting at 8:34 p.m.